

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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OMAR WOODS,

Plaintiff,

-against-

9:05-CV-787

DR. KEISER, DR. MINNOW,

Defendants.

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THOMAS J. McAVOY,  
Senior United States District Judge

**DECISION & ORDER**

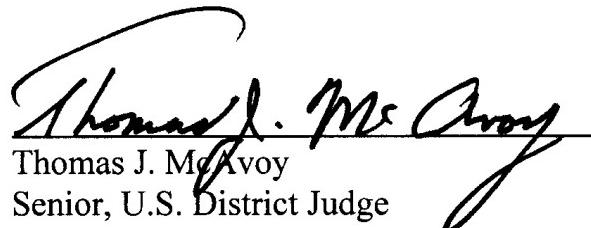
Plaintiff commenced this civil rights action *pro se* on June 23, 2005. On June 28, 2005, the Court granted Plaintiff's *in forma pauperis* application and ordered the Clerk to issue summonses and forward them, along with copies of the complaint, to the United States Marshal for service upon the named defendants. See 6/28/05 Order. On September 29, 2005, the Clerk sent a notice to plaintiff informing him that his USM 285 forms, which are necessary for service by the United States Marshal, were not complete. See dkt. # 5. There is no indication in the record that Plaintiff completed his USM 285 forms or that service has been accomplished.

On October 30, 2006, the Court issued a "Notice of Dismissal" advising Plaintiff that the action would be dismissed for failure to prosecute if he did not submit, on or before December 1, 2006, a written statement showing good cause why the action should not be dismissed. See 10/30/06 Notice of Dismissal, dkt. # 8 . Plaintiff has not responded. Therefore, it is hereby

**ORDERED** that the instant action is **DISMISSED WITHOUT PREJUDICE** due to Plaintiff's failure to diligently prosecute the matter.

**IT IS SO ORDERED**

DATED:December 11,2006



Thomas J. McAvoy  
Senior, U.S. District Judge